

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---------------------------------|---|----------------------------|
| In re Application of: |) | |
| | : | Examiner: Unassigned |
| TAKEHIKO KAWASAKI, ET AL. |) | |
| | : | Group Art Unit: Unassigned |
| Application No.: 10/559,532 |) | |
| | : | Confirmation No.: 1278 |
| Filed: December 2, 2005 |) | |
| | : | |
| For: SHEET MATERIAL IDENTIFYING |) | September 9, 2008 |
| APPARATUS, SHEET MATERIAL | : | |
| TREATING APPARATUS AND SHEET |) | |
| MATERIAL IDENTIFYING METHOD | : | |

Mail Stop Petitions
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

PETITION UNDER 37 C.F.R. § 1.137(a) TO
REVIVE UNAVOIDABLY ABANDONED APPLICATION

Sir:

Applicants hereby petition the Commissioner under 37 C.F.R. § 1.137(a) to restore to pending status the above-identified application, which became abandoned for failure to timely reply to a "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)," dated March 14, 2006 (hereinafter "the Notification of Missing Requirements").

A Notification of Abandonment, dated January 8, 2007 (hereinafter "the Notification of Abandonment"), is attached at Tab 1. The Notification of Abandonment is

addressed to Fitzpatrick, Cella, Harper & Scinto at 30 Rockefeller Plaza, New York, NY 10112 (Applicants' attorneys' office). However, as documented below and in the attached Declaration of Mark Chanderdatt, attached at Tab 3, the Notification of Abandonment was never received via U.S. mail by Applicants or Applicants' Representative. The Notification of Abandonment was first discovered by Applicants' attorneys during an inspection of USPTO Patent Application Retrieval ("PAIR") on August 26, 2008, and was not received by or known to Applicants or Applicants' representatives prior to that date.

The Notification of Abandonment states that this application was abandoned because "Applicant has failed to respond to the notification of Missing Requirements (Form PCT/DO/EO/905) mailed 03/14/2006 within the timer period set therein."

The Notification of Missing Requirements, like the Notification of Abandonment, was addressed to Fitzpatrick, Cella, Harper & Scinto at 30 Rockefeller Plaza, New York, NY 10112 (Applicants' attorneys' office). However, based on a review of the relevant file and docketing records (see Declaration of Mark Chanderdatt, attached at Tab 3), Applicants' undersigned attorney states that, in addition to the Notification of Abandonment, the Notification of Missing Requirements was also not received by Fitzpatrick, Cella, Harper & Scinto, and consequently, the present application was unavoidably abandoned.

Applicants' attorneys first became aware of the Notification of Missing Requirements and the Notice of Abandonment only when a review of the private PAIR records was made on August 26, 2008, to investigate the status of this case. Applicants' representatives retrieved a copy of both documents from Private PAIR on August 26, 2008. This Petition was filed as promptly as possible thereafter.

It is noted that on the copies of the master docket record and manual docket record attached as Exhibit A to the Declaration of Mark Chanderdatt (Tab 3), a portion of the serial numbers and the attorney docket numbers for listings other than for the subject patent application have been redacted. Also, information regarding the attorney assigned to each case has been redacted. This has been done to prevent disclosure of confidential information not relevant to the issues relating to the subject patent application.

In accordance with 37 C.F.R. § 1.137(a)(1), attached as Tab 2 is a Response to the Notification of Missing Requirements, including a Declaration of the inventors . Applicants are also submitting the fee for the response to the Notification of Missing Requirements , which is being paid via the electronic filing system.

Pursuant to 37 C.F.R. § 1.137(a)(2), the undersigned hereby certifies that the entire delay in filing the required reply from the due date of the reply until the filing of this grantable petition was unavoidable. The amount of \$500.00 for payment of the petition fee required under 37 C.F.R. § 1.17(l) has been paid via the electronic filing system, and any additional fees required to process this Petition and the accompanying papers should be charged to Deposit Account No. 06-1205.

In view of the foregoing, the Commissioner is respectfully requested to return the above-identified application to pending status.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Lawrence A. Stahl/

Lawrence A. Stahl
Attorney for Applicants
Registration No. 30,110

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

LAS:eyw

FCHS_WS 2417138v1

TAB 1



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
| 10/559,532 | Takehiko Kawasaki | 03500.018188 |

| INTERNATIONAL APPLICATION NO. |
|-------------------------------|
|-------------------------------|

PCT/JP04/08495

| I.A. FILING DATE | PRIORITY DATE |
|------------------|---------------|
| 06/10/2004 | 06/12/2003 |

5514
 FITZPATRICK CELLA HARPER & SCINTO
 30 ROCKEFELLER PLAZA
 NEW YORK, NY 10112

CONFIRMATION NO. 1278

371
 ABANDONMENT/TERMINATION
 LETTER



OC000000021874436

Date Mailed: 01/08/2007

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 03/14/2006 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

TAB 2

03500.018188

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---------------------------------|---|------------------------|
| In re Application of: |) | |
| | : | Examiner: Unassigned |
| TAKEHIKO KAWASAKI, ET AL. |) | |
| | : | Group Art Unit: |
| Application No.: 10/559,532 |) | |
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| MATERIAL IDENTIFYING METHOD | : | |

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Sir:

In response to the NOTICE OF MISSING REQUIREMENTS UNDER 35
U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)
mailed March 14, 2006, enclosed please find an executed Declaration/Power of Attorney
form. The \$130.00 surcharge fee is being paid electronically. However, the Commissioner is
authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-
1205.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Lawrence A. Stahl/

Lawrence A. Stahl
Attorney for Applicants
Registration No. 30,110

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

LAS:eyw

FCHS_WS 2453760v1



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/559,532 | Takehiko Kawasaki | 03500.018188 |

INTERNATIONAL APPLICATION NO.

PCT/JP04/08495

I.A. FILING DATE

06/10/2004

PRIORITY DATE

06/12/2003

5514

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

CONFIRMATION NO. 1278

371 FORMALITIES LETTER



OC000000018257339

Date Mailed: 03/14/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/02/2005
- Copy of the International Search Report filed on 12/02/2005
- Copy of IPE Report filed on 12/02/2005
- Information Disclosure Statements filed on 12/02/2005
- Request for Immediate Examination filed on 12/02/2005
- U.S. Basic National Fees filed on 12/02/2005
- Priority Documents filed on 12/02/2005
- Specification filed on 12/02/2005
- Claims filed on 12/02/2005
- Abstracts filed on 12/02/2005
- Drawings filed on 12/02/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 2 - OFFICE COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/559,532 | PCT/JP04/08495 | 03500.018188 |